

Message Text

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INFO OCT-01 ARA-10 ISO-00 AID-05 CEQ-01 CIAE-00 OFA-01

COME-00 DODE-00 EB-07 EPA-04 INR-07 IO-10 L-03 NSF-02

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TO AMEMBASSY MEXICO

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E.O. 11652: N.A.

TAGS: SENV, XX

SUBJECT: NOTIFICATION TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS OF U.S. REGULATORY ACTION ON PESTICIDES

REFERENCE: (A) MEXICO 6540; (B) STATE A-4495

1. IN REFTEL A, EMBASSY POSED QUESTIONS ABOUT PURPOSE, UTILITY AND INTERPRETATION OF INFORMATION BEING SENT TO POSTS ON U.S. REGULATORY ACTIONS ON PESTICIDES.

2. STATE A-4495 (REF. B) DESCRIBED STATUTORY REQUIREMENT ON EPA TO NOTIFY OTHER GOVERNMENTS AND APPROPRIATE INTERNATIONAL ORGANIZATIONS OF U.S. REGULATORY ACTIONS. SUCH ANNOUNCEMENTS ALSO CONFORM TO U.S. OBLIGATION UNDER OECD
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PROCEDURES FOR NOTIFICATION AND CONSULTATION ON MEASURES FOR

CONTROL OF SUBSTANCES AFFECTING MAN OR HIS ENVIRONMENT.

3. OBJECTIVE OF PROVIDING INFORMATION IS TO SERVE NOTICE OF U.S. ACTION WHICH MIGHT IMPACT ON TRADE AND COMMERCE OF OTHER COUNTRIES, AND ALSO TO ALERT FOREIGN AUTHORITIES OF U.S. CONCERN WITH RESPECT TO USE OF CERTAIN PESTICIDES.

IT IS ASSUMED THAT EACH COUNTRY HAS INTERESTED PERSONNEL IN COMMERCIAL AND ENVIRONMENTAL CHANNELS WHO WISH TO MONITOR U.S. ACTIONS AND WHO HAVE REQUISITE EXPERTISE TO INTERPRET AND ASSESS IMPACTS ON BASIS OF DETAILED INFORMATION PROVIDED BY EPA.

4. SEVERAL GENERAL TYPES OF FOREIGN IMPACTS FROM U.S. ACTIONS ARE POSSIBLE: (A) U.S. BAN ON A PARTICULAR PESTICIDE FOR DOMESTIC USE MAY IMPACT ON FOREIGN COUNTRY BY DECREASING THE AVAILABILITY OF THE CHEMICAL FOR IMPORTATION, EITHER BY CAUSING U.S. PRODUCER TO CURTAIL PRODUCTION THROUGH LOSS OF DOMESTIC MARKET, OR BY VIRTUE OF FACT THAT IT IS AID POLICY NOT TO FINANCE PROCUREMENT OF BANNED OR SUSPENDED PESTICIDES FOR USE ABROAD UNLESS IN EMERGENCY SITUATIONS. NOTE HOWEVER THAT EPA BANS OR SUSPENSIONS DO NOT PREVENT U.S. PRODUCER FROM EXPORTING OVERSEAS; (B) U.S. ACTION TO CANCEL REGISTRATION OF PARTICULAR PESTICIDES IN WHOLE OR PART WOULD AFFECT A FOREIGN COUNTRY'S EXPORT OF PESTICIDES TO U.S. SINCE REGULATORY ACTIONS APPLY TO FOREIGN PRODUCTS AS WELL AS THOSE PRODUCED IN U.S.; (C) BAN OR SUSPENSION BY EPA MAY PROMPT ACTION BY EPA AND OTHER REGULATORY AGENCIES TO ISSUE NEW REGULATIONS GOVERNING THE AMOUNT OF PESTICIDE RESIDUES ALLOWABLE ON PRODUCTS IMPORTED BY U.S. HOWEVER, ACTIONS TO ESTABLISH LOWER AND SAFER TOLERANCE LEVELS ARE SEPARATE ACTIONS FROM SUSPENSION OR CANCELLATION OF PESTICIDE REGISTRATIONS. FOR EXAMPLE, ALDRIN AND DIELDRIN HAVE BEEN CANCELLED BUT TOLERANCE LEVELS HAVE NOT BEEN LOWERED TO DATE; (D) U.S. BAN OR SUSPENSION MAY STIMULATE FOREIGN GOVERNMENTS TO CONSIDER SIMILAR ACTIONS TO RESTRICT THEIR OWN USE OF CHEMICALS, OR OF PRODUCTS WHICH CONTAIN THEM.

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5. GIVEN DIFFERING SITUATIONS FROM COUNTRY TO COUNTRY, VARIETY OF POSSIBLE IMPACTS, AND THE COMPLEX U.S. REGULATORY PROCESS WHICH COULD INVOLVE A NUMBER OF SEPARATE ACTIONS AND SEVERAL AGENCIES, THE DEPARTMENT BELIEVES IT IMPRACTICAL TO ATTEMPT TO DEFINE POTENTIAL IMPACTS OF EPA CANCELLATIONS OR SUSPENSIONS FOR EACH FOREIGN COUNTRY. RESPONSES FROM OTHER POSTS DO NOT INDICATE PROBLEM POSED IN REFTEL (A) IS SHARED. WE BELIEVE MEXICAN AUTHORITIES

WELL ENOUGH ACQUAINTED WITH EPA, FOOD AND DRUG ADMINISTRATION, U.S. COMMERCIAL IMPORTERS, ETC., TO PURSUE THROUGH THEIR CHANNELS AND CONTACTS QUESTIONS AND ISSUES POSED BY NEW U.S. PESTICIDE REGULATIONS BROUGHT TO THEIR ATTENTION. HOWEVER, DEPARTMENT WILL BE GLAD TO OBTAIN ANSWERS TO SPECIFIC QUESTIONS SHOULD NEED ARISE.

6. IN INTEREST OF CLARIFYING AND INTERPRETING REGULATIONS TO EXTENT POSSIBLE, EPA WILL SEND PRESS RELEASES AND OTHER GENERAL STATEMENTS ON RATIONALE AND IMPACTS OF VARIOUS ACTIONS ALONG WITH THE MORE DETAILED INFORMATION. DEPARTMENT HAS ALSO ASKED EPA AND OTHER REGULATORY BODIES TO PROVIDE GENERAL ANALYSIS FOR DISTRIBUTION TO POSTS OF POTENTIAL IMPACT OF REGULATORY ACTIONS ON OTHER COUNTRIES, AND TO ADDRESS INTERNATIONAL ASPECTS TO EXTENT PRACTICAL IN ALL FUTURE PREPARED RELEASES AND STATEMENTS ON SPECIFIC NEW REGULATIONS. KISSINGER

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